

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FRED E. CHRISTIAN, )  
                        )  
                        )  
Plaintiff,            )  
                        )  
                        )  
vs.                    )              Case No. 4:08CV1423 JCH  
                        )  
                        )  
BOMMARITO INFINITI, et al.,     )  
                        )  
                        )  
Defendants.            )

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Upon review of the financial affidavit, the Court has determined that plaintiff is unable to pay the filing fee. See 28 U.S.C. § 1915. Consequently, the Court will grant the motion. The individual defendants, however, will be dismissed from this action pursuant to 28 U.S.C. § 1915(e)(2)(B).

Plaintiff brings this action pursuant to Title VII of the Civil Rights Act of 1964, ("Title VII"), 42 U.S.C. §§ 2000e et seq., against his former employer, Bommarito Infiniti, alleging that he was discriminated against on the basis of his race. Plaintiff has additionally named John Bommarito, Chuck Wallis and Frank Bommarito as individual defendants in this matter.

Pursuant to 28 U.S.C. § 1915, the Court is obligated to review pleadings filed in forma pauperis. If at any time it appears that the action is frivolous, malicious

fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief, the Court may dismiss a complaint.

Plaintiff's claims against John Bommarito, Chuck Wallis and Frank Bommarito are subject to dismissal because individual supervisors cannot be held liable under Title VII. Roark v. City of Hazen, 189 F.3d 758, 761 (8th Cir. 1999) citing Bonomolo-Hagen v. Clay Central-Everly Community School Dist., 121 F.3d 446, 447 (8th Cir. 1997). As such, the Court will dismiss plaintiff's claims against the individual supervisors and direct the Clerk of Court to issue process as to defendant Bommarito Infiniti only.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [#2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to issue upon the complaint as to defendants John Bommarito, Chuck Wallis, and/or Frank Bommarito because, as to these defendants, the complaint is legally frivolous or fails to state a claim upon which relief can be granted, or both.

**IT IS FURTHER ORDERED** that the Clerk shall issue process or cause process to issue on the complaint as to defendant Bommarito Infiniti.

A separate Order of Partial Dismissal shall accompany this Memorandum and Order.

Dated this 24th Day of September, 2008.

/s/ Jean C. Hamilton  
**JEAN C. HAMILTON**  
**UNITED STATES DISTRICT JUDGE**